

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

VERN McKINNEY, #410454

v.

DOUG DRETKE, DIRECTOR  
TDCJ-CID

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CIVIL ACTION NO. G-04-195


**ORDER**

Before the Court is the Report and Recommendation of the United States Magistrate Judge that was entered on May 17, 2005. Petitioner has failed to file Objections to the Report and Recommendation despite being given until June 6, 2005 to have them physically on file with the Office of the Clerk.

Having given this matter *de novo* review under 28 U.S.C. § 636(b)(1)(C), this Court finds that the Report and Recommendation should be **ACCEPTED**.

Accordingly, it is **ORDERED** that Respondent's Motion for Summary Judgment (Instrument No. 5) is **GRANTED**, and the Petition for a Writ of Habeas Corpus of Vern McKinney (Instrument No. 1) is **DISMISSED**.

**DONE** at Galveston, Texas this 13<sup>th</sup> day of June, 2005.

  
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Samuel B. Kent  
United States District Judge